IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6603 OF 2005
and
WRIT PETITION NO. 6604 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 18, 2007.

Shri Khapre, learned counsel for the petitioners states that in both these matters, Respondent No.1 has passed orders under Section 13-B(1) of Bombay Moneylenders Act, 1946, and directed the petitioners to hand over the possession to respondents, who claimed to be borrowers.

I have heard Shri Khapre, learned counsel for the petitioners, Shri Thakare, learned AGP for respondent No.1 and Shri Joshi, learned counsel for respondent No.2 in Writ Petition No.6604 of 2005 and Shri Parchure, learned counsel for respondent No.4 and Shri Kankale, learned AGP for respondent No.1 in Writ Petition No. 6603 of 2005.

This Court has in Writ Petition No.599

of 2006 and other connected matters decided on 13.10.2006 (Ramesh Daulatrao Gawhale vs. State of Maharashtra) already held that the authority acting under said provision has no power to deal with immovable properties and to pass orders directing delivery of possession.

In view of the reasons given in the said judgment, these writ petitions are allowed in terms thereof. The impugned orders are accordingly quashed and set aside. Writ Petition is disposed of. Rule is made absolute in above terms. No costs.

JUDGE

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